

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON LOKERSON,

Plaintiff,

v.

TUCKER, et al.,

Defendants.

No. 2:24-cv-0494 DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. §1983. In an order filed April 24, 2024, this court dismissed plaintiff's first amended complaint with leave to amend. Plaintiff's second amended complaint is due 60 days later – on June 23, 2024. Plaintiff seeks an extension of time to file the second amended complaint. In addition, he seeks the court's assistance in obtaining his legal property and some legal resources. (ECF No. 13.)

Plaintiff alleges he has not been able to obtain his legal property and, apparently, has not had access to legal research materials, due to his housing placement. Plaintiff states that he was recently transferred to High Desert State Prison ("HDSP"). Because plaintiff is disabled and requires 24-hour nursing care, he is housed in the Correctional Treatment Center ("CTC"). Plaintiff explains that prison policy limits CTC inmates' rights to personal property. As a result

1 of these policies, and as a result of prison transfers, plaintiff does not have, and has not had,
2 possession of his personal property, including his legal materials. Plaintiff states that he filed a
3 grievance regarding the deprivation of his legal property. Plaintiff seeks an order requiring the
4 prison to process plaintiff's property grievance expeditiously and an extension of time to file a
5 second amended complaint.

6 Plaintiff's allegations raise serious concerns about his ability to litigate this case. At this
7 juncture, this court finds two actions appropriate. First, this court will order the Office of the
8 Attorney General to contact the litigation coordinator, or other appropriate prison representative,
9 at HDSP to determine the status of plaintiff's grievance and explain what sort of access plaintiff
10 has and should have to his legal property and legal research materials, while incarcerated in the
11 CTC. Second, this court will vacate the deadline for filing a second amended complaint. This
12 court will reset that deadline when plaintiff informs the court that he has received his legal
13 property and has access to legal research materials.

14 Good cause appearing, IT IS HEREBY ORDERED that:

15 1. Plaintiff's motion for an extension of time and court intervention in the grievance
16 process (ECF No. 13) is granted in part.

17 2. The June 23 deadline for filing a second amended complaint is vacated.

18 3. Within fourteen days of the filed date of this order, a representative of the Office of the
19 Attorney General shall contact the litigation coordinator, or other appropriate prison
20 representative, at HDSP to determine the status of plaintiff's grievance and explain what sort of
21 access plaintiff has and should have to his legal property and legal research materials, while
22 incarcerated in the CTC.

23 4. Within twenty days, a representative of the Office of the Attorney General shall file a
24 document addressing these issues.


25 5. Within thirty days, plaintiff shall notify the court whether he has received his legal
26 property and access to legal research materials.

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6. The Clerk of the Court is directed to serve a copy of this order on Senior Assistant Attorney General Monica Anderson, Office of the California Attorney General.

Dated: June 7, 2024


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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